



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0257

Introduced 1/14/2005, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-20	from Ch. 43, par. 134a
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/11-502	from Ch. 95 1/2, par. 11-502

Amends the Liquor Control Act of 1934. Changes the penalty for possession and consumption of alcohol by a person under the age of 21 years to probation, under which the person shall undergo assessment and treatment for alcoholism and perform some reasonable public or community service. Changes the penalty for providing alcohol to a person under the age of 21 years to probation, under which the person shall perform some reasonable public or community service. Amends the Illinois Vehicle Code. Changes the penalty for a first offense of illegal transportation of alcohol by a driver under the age of 21 years to probation, under which the person shall perform some reasonable public or community service.

LRB094 04159 AMC 34181 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 6-16 and 6-20 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,
9 representative, agent, or employee of such licensee shall sell,
10 give, or deliver alcoholic liquor to any person under the age
11 of 21 years or to any intoxicated person, except as provided in
12 Section 6-16.1. (ii) No express company, common carrier, or
13 contract carrier nor any representative, agent, or employee on
14 behalf of an express company, common carrier, or contract
15 carrier that carries or transports alcoholic liquor for
16 delivery within this State shall knowingly give or knowingly
17 deliver to a residential address any shipping container clearly
18 labeled as containing alcoholic liquor and labeled as requiring
19 signature of an adult of at least 21 years of age to any person
20 in this State under the age of 21 years. An express company,
21 common carrier, or contract carrier that carries or transports
22 such alcoholic liquor for delivery within this State shall
23 obtain a signature at the time of delivery acknowledging
24 receipt of the alcoholic liquor by an adult who is at least 21
25 years of age. At no time while delivering alcoholic beverages
26 within this State may any representative, agent, or employee of
27 an express company, common carrier, or contract carrier that
28 carries or transports alcoholic liquor for delivery within this
29 State deliver the alcoholic liquor to a residential address
30 without the acknowledgment of the consignee and without first
31 obtaining a signature at the time of the delivery by an adult
32 who is at least 21 years of age. A signature of a person on file

1 with the express company, common carrier, or contract carrier
2 does not constitute acknowledgement of the consignee. Any
3 express company, common carrier, or contract carrier that
4 transports alcoholic liquor for delivery within this State that
5 violates this item (ii) of this subsection (a) by delivering
6 alcoholic liquor without the acknowledgement of the consignee
7 and without first obtaining a signature at the time of the
8 delivery by an adult who is at least 21 years of age is guilty
9 of a business offense for which the express company, common
10 carrier, or contract carrier that transports alcoholic liquor
11 within this State shall be fined not more than \$1,001 for a
12 first offense, not more than \$5,000 for a second offense, and
13 not more than \$10,000 for a third or subsequent offense. An
14 express company, common carrier, or contract carrier shall be
15 held vicariously liable for the actions of its representatives,
16 agents, or employees. For purposes of this Act, in addition to
17 other methods authorized by law, an express company, common
18 carrier, or contract carrier shall be considered served with
19 process when a representative, agent, or employee alleged to
20 have violated this Act is personally served. Each shipment of
21 alcoholic liquor delivered in violation of this item (ii) of
22 this subsection (a) constitutes a separate offense. (iii) No
23 person, after purchasing or otherwise obtaining alcoholic
24 liquor, shall sell, give, or deliver such alcoholic liquor to
25 another person under the age of 21 years, except in the
26 performance of a religious ceremony or service. Except as
27 otherwise provided in item (ii), any express company, common
28 carrier, or contract carrier that transports alcoholic liquor
29 within this State that violates the provisions of item (i),
30 (ii), or (iii) of this paragraph of this subsection (a) is
31 guilty of a Class A misdemeanor, which sentence shall be
32 limited to probation under which the express company, common
33 carrier, or contract carrier shall perform some reasonable
34 public or community service ~~and the sentence shall include, but~~
35 ~~shall not be limited to, a fine of not less than \$500.~~ Any
36 person who violates the provisions of item (iii) of this

1 paragraph of this subsection (a) is guilty of a Class A
2 misdemeanor, which sentence shall be limited to probation under
3 which the person shall perform some reasonable public or
4 community service ~~and the sentence shall include, but shall not~~
5 ~~be limited to a fine of not less than \$500 for a first offense~~
6 ~~and not less than \$2,000 for a second or subsequent offense.~~
7 Any person who knowingly violates the provisions of item (iii)
8 of this paragraph of this subsection (a) is guilty of a Class 4
9 felony if a death occurs as the result of the violation.

10 If a licensee or officer, associate, member,
11 representative, agent, or employee of the licensee, or a
12 representative, agent, or employee of an express company,
13 common carrier, or contract carrier that carries or transports
14 alcoholic liquor for delivery within this State, is prosecuted
15 under this paragraph of this subsection (a) for selling,
16 giving, or delivering alcoholic liquor to a person under the
17 age of 21 years, the person under 21 years of age who attempted
18 to buy or receive the alcoholic liquor may be prosecuted
19 pursuant to Section 6-20 of this Act, unless the person under
20 21 years of age was acting under the authority of a law
21 enforcement agency, the Illinois Liquor Control Commission, or
22 a local liquor control commissioner pursuant to a plan or
23 action to investigate, patrol, or conduct any similar
24 enforcement action.

25 For the purpose of preventing the violation of this
26 Section, any licensee, or his agent or employee, or a
27 representative, agent, or employee of an express company,
28 common carrier, or contract carrier that carries or transports
29 alcoholic liquor for delivery within this State, shall refuse
30 to sell, deliver, or serve alcoholic beverages to any person
31 who is unable to produce adequate written evidence of identity
32 and of the fact that he or she is over the age of 21 years, if
33 requested by the licensee, agent, employee, or representative.

34 Adequate written evidence of age and identity of the person
35 is a document issued by a federal, state, county, or municipal
36 government, or subdivision or agency thereof, including, but

1 not limited to, a motor vehicle operator's license, a
2 registration certificate issued under the Federal Selective
3 Service Act, or an identification card issued to a member of
4 the Armed Forces. Proof that the defendant-licensee, or his
5 employee or agent, or the representative, agent, or employee of
6 the express company, common carrier, or contract carrier that
7 carries or transports alcoholic liquor for delivery within this
8 State demanded, was shown and reasonably relied upon such
9 written evidence in any transaction forbidden by this Section
10 is an affirmative defense in any criminal prosecution therefor
11 or to any proceedings for the suspension or revocation of any
12 license based thereon. It shall not, however, be an affirmative
13 defense if the agent or employee accepted the written evidence
14 knowing it to be false or fraudulent. If a false or fraudulent
15 Illinois driver's license or Illinois identification card is
16 presented by a person less than 21 years of age to a licensee
17 or the licensee's agent or employee for the purpose of
18 ordering, purchasing, attempting to purchase, or otherwise
19 obtaining or attempting to obtain the serving of any alcoholic
20 beverage, the law enforcement officer or agency investigating
21 the incident shall, upon the conviction of the person who
22 presented the fraudulent license or identification, make a
23 report of the matter to the Secretary of State on a form
24 provided by the Secretary of State.

25 However, no agent or employee of the licensee or employee
26 of an express company, common carrier, or contract carrier that
27 carries or transports alcoholic liquor for delivery within this
28 State shall be disciplined or discharged for selling or
29 furnishing liquor to a person under 21 years of age if the
30 agent or employee demanded and was shown, before furnishing
31 liquor to a person under 21 years of age, adequate written
32 evidence of age and identity of the person issued by a federal,
33 state, county or municipal government, or subdivision or agency
34 thereof, including but not limited to a motor vehicle
35 operator's license, a registration certificate issued under
36 the Federal Selective Service Act, or an identification card

1 issued to a member of the Armed Forces. This paragraph,
2 however, shall not apply if the agent or employee accepted the
3 written evidence knowing it to be false or fraudulent.

4 Any person who sells, gives, or furnishes to any person
5 under the age of 21 years any false or fraudulent written,
6 printed, or photostatic evidence of the age and identity of
7 such person or who sells, gives or furnishes to any person
8 under the age of 21 years evidence of age and identification of
9 any other person is guilty of a Class A misdemeanor and the
10 person's sentence shall include, but shall not be limited to, a
11 fine of not less than \$500.

12 Any person under the age of 21 years who presents or offers
13 to any licensee, his agent or employee, any written, printed or
14 photostatic evidence of age and identity that is false,
15 fraudulent, or not actually his or her own for the purpose of
16 ordering, purchasing, attempting to purchase or otherwise
17 procuring or attempting to procure, the serving of any
18 alcoholic beverage, who falsely states in writing that he or
19 she is at least 21 years of age when receiving alcoholic liquor
20 from a representative, agent, or employee of an express
21 company, common carrier, or contract carrier, or who has in his
22 or her possession any false or fraudulent written, printed, or
23 photostatic evidence of age and identity, is guilty of a Class
24 A misdemeanor and the person's sentence shall include, but
25 shall not be limited to, the following: a fine of not less than
26 \$500 and at least 25 hours of community service. If possible,
27 any community service shall be performed for an alcohol abuse
28 prevention program.

29 Any person under the age of 21 years who has any alcoholic
30 beverage in his or her possession on any street or highway or
31 in any public place or in any place open to the public is
32 guilty of a Class A misdemeanor, which sentence shall be
33 limited to probation under which the person shall undergo
34 assessment and treatment for alcoholism and perform some
35 reasonable public or community service. This Section does not
36 apply to possession by a person under the age of 21 years

1 making a delivery of an alcoholic beverage in pursuance of the
2 order of his or her parent or in pursuance of his or her
3 employment.

4 (a-1) It is unlawful for any parent or guardian to permit
5 his or her residence to be used by an invitee of the parent's
6 child or the guardian's ward, if the invitee is under the age
7 of 21, in a manner that constitutes a violation of this
8 Section. A parent or guardian is deemed to have permitted his
9 or her residence to be used in violation of this Section if he
10 or she knowingly authorizes, enables, or permits such use to
11 occur by failing to control access to either the residence or
12 the alcoholic liquor maintained in the residence. Any person
13 who violates this subsection (a-1) is guilty of a Class A
14 misdemeanor and the person's sentence shall include, but shall
15 not be limited to, a fine of not less than \$500. Nothing in
16 this subsection (a-1) shall be construed to prohibit the giving
17 of alcoholic liquor to a person under the age of 21 years in
18 the performance of a religious ceremony or service.

19 (b) Except as otherwise provided in this Section whoever
20 violates this Section shall, in addition to other penalties
21 provided for in this Act, be guilty of a Class A misdemeanor.

22 (c) Any person shall be guilty of a Class A misdemeanor
23 where he or she knowingly permits a gathering at a residence
24 which he or she occupies of two or more persons where any one
25 or more of the persons is under 21 years of age and the
26 following factors also apply:

27 (1) the person occupying the residence knows that any
28 such person under the age of 21 is in possession of or is
29 consuming any alcoholic beverage; and

30 (2) the possession or consumption of the alcohol by the
31 person under 21 is not otherwise permitted by this Act; and

32 (3) the person occupying the residence knows that the
33 person under the age of 21 leaves the residence in an
34 intoxicated condition.

35 For the purposes of this subsection (c) where the residence
36 has an owner and a tenant or lessee, there is a rebuttable

1 presumption that the residence is occupied only by the tenant
2 or lessee.

3 (d) Any person who rents a hotel or motel room from the
4 proprietor or agent thereof for the purpose of or with the
5 knowledge that such room shall be used for the consumption of
6 alcoholic liquor by persons under the age of 21 years shall be
7 guilty of a Class A misdemeanor.

8 (e) Except as otherwise provided in this Act, any person
9 who has alcoholic liquor in his or her possession on public
10 school district property on school days or at events on public
11 school district property when children are present is guilty of
12 a petty offense, unless the alcoholic liquor (i) is in the
13 original container with the seal unbroken and is in the
14 possession of a person who is not otherwise legally prohibited
15 from possessing the alcoholic liquor or (ii) is in the
16 possession of a person in or for the performance of a religious
17 service or ceremony authorized by the school board.

18 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507,
19 eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

20 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

21 Sec. 6-20. Persons under 21 years of age.

22 (a) Any person to whom the sale, gift or delivery of any
23 alcoholic liquor is prohibited because of age shall not
24 purchase, or accept a gift of such alcoholic liquor or have
25 such alcoholic liquor in his possession.

26 (b) If a licensee or his or her agents or employees
27 believes or has reason to believe that a sale or delivery of
28 any alcoholic liquor is prohibited because of the non-age of
29 the prospective recipient, he or she shall, before making such
30 sale or delivery demand presentation of some form of positive
31 identification, containing proof of age, issued by a public
32 officer in the performance of his or her official duties.

33 (c) No person shall transfer, alter, or deface such an
34 identification card; use the identification card of another;
35 carry or use a false or forged identification card; or obtain

1 an identification card by means of false information.

2 (d) No person shall purchase, accept delivery or have
3 possession of alcoholic liquor in violation of this Section.

4 (e) The consumption of alcoholic liquor by any person under
5 21 years of age is forbidden.

6 (f) A person who ~~Whoever~~ violates subsection (b) or (c) ~~any~~
7 ~~provisions~~ of this Section shall be guilty of a Class A
8 misdemeanor. A person who violates subsection (a), (d), or (e)
9 of this Section is guilty of a Class A misdemeanor, which
10 sentence shall be limited to probation under which the person
11 shall undergo assessment and treatment for alcoholism and
12 perform some reasonable public or community service.

13 (g) The possession and dispensing, or consumption by a
14 person under 21 years of age of alcoholic liquor in the
15 performance of a religious service or ceremony, or the
16 consumption by a person under 21 years of age under the direct
17 supervision and approval of the parents or parent or those
18 persons standing in loco parentis of such person under 21 years
19 of age in the privacy of a home, is not prohibited by this Act.

20 (Source: P.A. 90-432, eff. 1-1-98.)

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Sections 6-206 and 11-502 as follows:

23 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

24 Sec. 6-206. Discretionary authority to suspend or revoke
25 license or permit; Right to a hearing.

26 (a) The Secretary of State is authorized to suspend or
27 revoke the driving privileges of any person without preliminary
28 hearing upon a showing of the person's records or other
29 sufficient evidence that the person:

30 1. Has committed an offense for which mandatory
31 revocation of a driver's license or permit is required upon
32 conviction;

33 2. Has been convicted of not less than 3 offenses
34 against traffic regulations governing the movement of

1 vehicles committed within any 12 month period. No
2 revocation or suspension shall be entered more than 6
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in motor
5 vehicle collisions or has been repeatedly convicted of
6 offenses against laws and ordinances regulating the
7 movement of traffic, to a degree that indicates lack of
8 ability to exercise ordinary and reasonable care in the
9 safe operation of a motor vehicle or disrespect for the
10 traffic laws and the safety of other persons upon the
11 highway;

12 4. Has by the unlawful operation of a motor vehicle
13 caused or contributed to an accident resulting in death or
14 injury requiring immediate professional treatment in a
15 medical facility or doctor's office to any person, except
16 that any suspension or revocation imposed by the Secretary
17 of State under the provisions of this subsection shall
18 start no later than 6 months after being convicted of
19 violating a law or ordinance regulating the movement of
20 traffic, which violation is related to the accident, or
21 shall start not more than one year after the date of the
22 accident, whichever date occurs later;

23 5. Has permitted an unlawful or fraudulent use of a
24 driver's license, identification card, or permit;

25 6. Has been lawfully convicted of an offense or
26 offenses in another state, including the authorization
27 contained in Section 6-203.1, which if committed within
28 this State would be grounds for suspension or revocation;

29 7. Has refused or failed to submit to an examination
30 provided for by Section 6-207 or has failed to pass the
31 examination;

32 8. Is ineligible for a driver's license or permit under
33 the provisions of Section 6-103;

34 9. Has made a false statement or knowingly concealed a
35 material fact or has used false information or
36 identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

5 11. Has operated a motor vehicle upon a highway of this
6 State when the person's driving privilege or privilege to
7 obtain a driver's license or permit was revoked or
8 suspended unless the operation was authorized by a judicial
9 driving permit, probationary license to drive, or a
10 restricted driving permit issued under this Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of this
17 State when the person's driver's license or permit was
18 invalid under the provisions of Sections 6-107.1 and 6-110;

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
21 of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of the
23 Criminal Code of 1961 relating to criminal trespass to
24 vehicles in which case, the suspension shall be for one
25 year;

26 16. Has been convicted of violating Section 11-204 of
27 this Code relating to fleeing from a peace officer;

28 17. Has refused to submit to a test, or tests, as
29 required under Section 11-501.1 of this Code and the person
30 has not sought a hearing as provided for in Section
31 11-501.1;

32 18. Has, since issuance of a driver's license or
33 permit, been adjudged to be afflicted with or suffering
34 from any mental disability or disease;

35 19. Has committed a violation of paragraph (a) or (b)
36 of Section 6-101 relating to driving without a driver's

1 license;

2 20. Has been convicted of violating Section 6-104
3 relating to classification of driver's license;

4 21. Has been convicted of violating Section 11-402 of
5 this Code relating to leaving the scene of an accident
6 resulting in damage to a vehicle in excess of \$1,000, in
7 which case the suspension shall be for one year;

8 22. Has used a motor vehicle in violating paragraph
9 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
10 the Criminal Code of 1961 relating to unlawful use of
11 weapons, in which case the suspension shall be for one
12 year;

13 23. Has, as a driver, been convicted of committing a
14 violation of paragraph (a) of Section 11-502 of this Code
15 for a second or subsequent time within one year of a
16 similar violation;

17 24. Has been convicted by a court-martial or punished
18 by non-judicial punishment by military authorities of the
19 United States at a military installation in Illinois of or
20 for a traffic related offense that is the same as or
21 similar to an offense specified under Section 6-205 or
22 6-206 of this Code;

23 25. Has permitted any form of identification to be used
24 by another in the application process in order to obtain or
25 attempt to obtain a license, identification card, or
26 permit;

27 26. Has altered or attempted to alter a license or has
28 possessed an altered license, identification card, or
29 permit;

30 27. Has violated Section 6-16 of the Liquor Control Act
31 of 1934;

32 28. Has been convicted of the illegal possession, while
33 operating or in actual physical control, as a driver, of a
34 motor vehicle, of any controlled substance prohibited
35 under the Illinois Controlled Substances Act or any
36 cannabis prohibited under the provisions of the Cannabis

1 Control Act, in which case the person's driving privileges
2 shall be suspended for one year, and any driver who is
3 convicted of a second or subsequent offense, within 5 years
4 of a previous conviction, for the illegal possession, while
5 operating or in actual physical control, as a driver, of a
6 motor vehicle, of any controlled substance prohibited
7 under the provisions of the Illinois Controlled Substances
8 Act or any cannabis prohibited under the Cannabis Control
9 Act shall be suspended for 5 years. Any defendant found
10 guilty of this offense while operating a motor vehicle,
11 shall have an entry made in the court record by the
12 presiding judge that this offense did occur while the
13 defendant was operating a motor vehicle and order the clerk
14 of the court to report the violation to the Secretary of
15 State;

16 29. Has been convicted of the following offenses that
17 were committed while the person was operating or in actual
18 physical control, as a driver, of a motor vehicle: criminal
19 sexual assault, predatory criminal sexual assault of a
20 child, aggravated criminal sexual assault, criminal sexual
21 abuse, aggravated criminal sexual abuse, juvenile pimping,
22 soliciting for a juvenile prostitute and the manufacture,
23 sale or delivery of controlled substances or instruments
24 used for illegal drug use or abuse in which case the
25 driver's driving privileges shall be suspended for one
26 year;

27 30. Has been convicted a second or subsequent time for
28 any combination of the offenses named in paragraph 29 of
29 this subsection, in which case the person's driving
30 privileges shall be suspended for 5 years;

31 31. Has refused to submit to a test as required by
32 Section 11-501.6 or has submitted to a test resulting in an
33 alcohol concentration of 0.08 or more or any amount of a
34 drug, substance, or compound resulting from the unlawful
35 use or consumption of cannabis as listed in the Cannabis
36 Control Act, a controlled substance as listed in the

1 Illinois Controlled Substances Act, or an intoxicating
2 compound as listed in the Use of Intoxicating Compounds
3 Act, in which case the penalty shall be as prescribed in
4 Section 6-208.1;

5 32. Has been convicted of Section 24-1.2 of the
6 Criminal Code of 1961 relating to the aggravated discharge
7 of a firearm if the offender was located in a motor vehicle
8 at the time the firearm was discharged, in which case the
9 suspension shall be for 3 years;

10 33. (Blank); ~~Has as a driver, who was less than 21~~
11 ~~years of age on the date of the offense, been convicted a~~
12 ~~first time of a violation of paragraph (a) of Section~~
13 ~~11-502 of this Code or a similar provision of a local~~
14 ~~ordinance;~~

15 34. Has committed a violation of Section 11-1301.5 of
16 this Code;

17 35. Has committed a violation of Section 11-1301.6 of
18 this Code;

19 36. Is under the age of 21 years at the time of arrest
20 and has been convicted of not less than 2 offenses against
21 traffic regulations governing the movement of vehicles
22 committed within any 24 month period. No revocation or
23 suspension shall be entered more than 6 months after the
24 date of last conviction;

25 37. Has committed a violation of subsection (c) of
26 Section 11-907 of this Code;

27 38. Has been convicted of a violation of Section 6-20
28 of the Liquor Control Act of 1934 or a similar provision of
29 a local ordinance;

30 39. Has committed a second or subsequent violation of
31 Section 11-1201 of this Code; ~~or~~

32 40. Has committed a violation of subsection (a-1) of
33 Section 11-908 of this Code; or;

34 41. ~~40.~~ Has committed a second or subsequent violation
35 of Section 11-605.1 of this Code within 2 years of the date
36 of the previous violation, in which case the suspension

1 shall be for 90 days.

2 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
3 and 27 of this subsection, license means any driver's license,
4 any traffic ticket issued when the person's driver's license is
5 deposited in lieu of bail, a suspension notice issued by the
6 Secretary of State, a duplicate or corrected driver's license,
7 a probationary driver's license or a temporary driver's
8 license.

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be, provided
13 that a certified copy of a stay order of a court is filed with
14 the Secretary of State. If the conviction is affirmed on
15 appeal, the date of the conviction shall relate back to the
16 time the original judgment of conviction was entered and the 6
17 month limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to
23 the last known address of the person.

24 2. If the Secretary of State suspends the driver's
25 license of a person under subsection 2 of paragraph (a) of
26 this Section, a person's privilege to operate a vehicle as
27 an occupation shall not be suspended, provided an affidavit
28 is properly completed, the appropriate fee received, and a
29 permit issued prior to the effective date of the
30 suspension, unless 5 offenses were committed, at least 2 of
31 which occurred while operating a commercial vehicle in
32 connection with the driver's regular occupation. All other
33 driving privileges shall be suspended by the Secretary of
34 State. Any driver prior to operating a vehicle for
35 occupational purposes only must submit the affidavit on
36 forms to be provided by the Secretary of State setting

1 forth the facts of the person's occupation. The affidavit
2 shall also state the number of offenses committed while
3 operating a vehicle in connection with the driver's regular
4 occupation. The affidavit shall be accompanied by the
5 driver's license. Upon receipt of a properly completed
6 affidavit, the Secretary of State shall issue the driver a
7 permit to operate a vehicle in connection with the driver's
8 regular occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended as
11 set forth in the notice that was mailed under this Section.
12 If an affidavit is received subsequent to the effective
13 date of this suspension, a permit may be issued for the
14 remainder of the suspension period.

15 The provisions of this subparagraph shall not apply to
16 any driver required to obtain a commercial driver's license
17 under Section 6-507 during the period of a disqualification
18 of commercial driving privileges under Section 6-514.

19 Any person who falsely states any fact in the affidavit
20 required herein shall be guilty of perjury under Section
21 6-302 and upon conviction thereof shall have all driving
22 privileges revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118
24 of this Code, the Secretary of State shall either rescind
25 or continue an order of revocation or shall substitute an
26 order of suspension; or, good cause appearing therefor,
27 rescind, continue, change, or extend the order of
28 suspension. If the Secretary of State does not rescind the
29 order, the Secretary may upon application, to relieve undue
30 hardship, issue a restricted driving permit granting the
31 privilege of driving a motor vehicle between the
32 petitioner's residence and petitioner's place of
33 employment or within the scope of his employment related
34 duties, or to allow transportation for the petitioner, or a
35 household member of the petitioner's family, to receive
36 necessary medical care and if the professional evaluation

1 indicates, provide transportation for alcohol remedial or
2 rehabilitative activity, or for the petitioner to attend
3 classes, as a student, in an accredited educational
4 institution; if the petitioner is able to demonstrate that
5 no alternative means of transportation is reasonably
6 available and the petitioner will not endanger the public
7 safety or welfare.

8 If a person's license or permit has been revoked or
9 suspended due to 2 or more convictions of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense, arising out of
12 separate occurrences, that person, if issued a restricted
13 driving permit, may not operate a vehicle unless it has
14 been equipped with an ignition interlock device as defined
15 in Section 1-129.1.

16 If a person's license or permit has been revoked or
17 suspended 2 or more times within a 10 year period due to a
18 single conviction of violating Section 11-501 of this Code
19 or a similar provision of a local ordinance or a similar
20 out-of-state offense, and a statutory summary suspension
21 under Section 11-501.1, or 2 or more statutory summary
22 suspensions, or combination of 2 offenses, or of an offense
23 and a statutory summary suspension, arising out of separate
24 occurrences, that person, if issued a restricted driving
25 permit, may not operate a vehicle unless it has been
26 equipped with an ignition interlock device as defined in
27 Section 1-129.1. The person must pay to the Secretary of
28 State DUI Administration Fund an amount not to exceed \$20
29 per month. The Secretary shall establish by rule the amount
30 and the procedures, terms, and conditions relating to these
31 fees. If the restricted driving permit was issued for
32 employment purposes, then this provision does not apply to
33 the operation of an occupational vehicle owned or leased by
34 that person's employer. In each case the Secretary may
35 issue a restricted driving permit for a period deemed
36 appropriate, except that all permits shall expire within

1 one year from the date of issuance. The Secretary may not,
2 however, issue a restricted driving permit to any person
3 whose current revocation is the result of a second or
4 subsequent conviction for a violation of Section 11-501 of
5 this Code or a similar provision of a local ordinance
6 relating to the offense of operating or being in physical
7 control of a motor vehicle while under the influence of
8 alcohol, other drug or drugs, intoxicating compound or
9 compounds, or any similar out-of-state offense, or any
10 combination of those offenses, until the expiration of at
11 least one year from the date of the revocation. A
12 restricted driving permit issued under this Section shall
13 be subject to cancellation, revocation, and suspension by
14 the Secretary of State in like manner and for like cause as
15 a driver's license issued under this Code may be cancelled,
16 revoked, or suspended; except that a conviction upon one or
17 more offenses against laws or ordinances regulating the
18 movement of traffic shall be deemed sufficient cause for
19 the revocation, suspension, or cancellation of a
20 restricted driving permit. The Secretary of State may, as a
21 condition to the issuance of a restricted driving permit,
22 require the applicant to participate in a designated driver
23 remedial or rehabilitative program. The Secretary of State
24 is authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.

26 (c-5) The Secretary of State may, as a condition of the
27 reissuance of a driver's license or permit to an applicant
28 whose driver's license or permit has been suspended before he
29 or she reached the age of 18 years pursuant to any of the
30 provisions of this Section, require the applicant to
31 participate in a driver remedial education course and be
32 retested under Section 6-109 of this Code.

33 (d) This Section is subject to the provisions of the
34 Drivers License Compact.

35 (e) The Secretary of State shall not issue a restricted
36 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

3 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
4 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
5 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff.
6 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised
7 10-22-04.)

8 (625 ILCS 5/11-502) (from Ch. 95 1/2, par. 11-502)

9 Sec. 11-502. Transportation or possession of alcoholic
10 liquor in a motor vehicle.

11 (a) Except as provided in paragraph (c), no driver may
12 transport, carry, possess or have any alcoholic liquor within
13 the passenger area of any motor vehicle upon a highway in this
14 State except in the original container and with the seal
15 unbroken.

16 (b) Except as provided in paragraph (c), no passenger may
17 carry, possess or have any alcoholic liquor within any
18 passenger area of any motor vehicle upon a highway in this
19 State except in the original container and with the seal
20 unbroken.

21 (c) This Section shall not apply to the passengers in a
22 limousine when it is being used for purposes for which a
23 limousine is ordinarily used, the passengers on a chartered bus
24 when it is being used for purposes for which chartered buses
25 are ordinarily used or on a motor home or mini motor home as
26 defined in Section 1-145.01 of this Code. However, the driver
27 of any such vehicle is prohibited from consuming or having any
28 alcoholic liquor in or about the driver's area. Any evidence of
29 alcoholic consumption by the driver shall be prima facie
30 evidence of such driver's failure to obey this Section. For the
31 purposes of this Section, a limousine is a motor vehicle of the
32 first division with the passenger compartment enclosed by a
33 partition or dividing window used in the for-hire
34 transportation of passengers and operated by an individual in
35 possession of a valid Illinois driver's license of the

1 appropriate classification pursuant to Section 6-104 of this
2 Code.

3 (d) The exemption applicable to chartered buses under
4 paragraph (c) does not apply to any chartered bus being used
5 for school purposes.

6 (e) Any driver who is convicted of violating subsection (a)
7 of this Section for a second or subsequent time within one year
8 of a similar conviction shall be subject to suspension of
9 driving privileges as provided, in paragraph 23 of subsection
10 (a) of Section 6-206 of this Code.

11 (f) Any driver, who is less than 21 years of age at the
12 date of the offense and who is convicted of violating
13 subsection (a) of this Section or a similar provision of a
14 local ordinance, shall be sentenced to probation for a first
15 offense, under which the person shall perform some reasonable
16 public or community service. Any driver, who is less than 21
17 years of age at the date of the offense and who is convicted of
18 violating subsection (a) of this Section or a similar provision
19 of a local ordinance, is subject to the loss of driving
20 privileges as provided in paragraph 13 of subsection (a) of
21 Section 6-205 of this Code and paragraph 23 ~~33~~ of subsection
22 (a) of Section 6-206 of this Code for a second or subsequent
23 offense.

24 (Source: P.A. 88-209.)